

Introducing a Statutory Register of Lobbyists: Optical Confederation response

The Optical Confederation represents the 12,000 optometrists, 6,000 dispensing opticians, 7,000 optical businesses and 45,000 ancillary staff in the UK, who provide high quality and accessible eye care services to the whole population. The Confederation is a coalition of five optical representative bodies: the Association of British Dispensing Opticians (ABDO), the Association of Contact Lens Manufacturers (ACLM), the Association of Optometrists (AOP), the Federation of Manufacturing Opticians (FMO) and the Federation of (Ophthalmic and Dispensing) Opticians (FODO). As a Confederation we work with others to improve eye health for the public good.

We welcome the opportunity to contribute to this consultation exercise and support the Government's proposals to create a publicly available UK register of lobbyists, with a view to increasing transparency. In particular, we welcome the Government's commitments that:

- the proposed register would neither lead to the creation of a regulator for the lobbying profession, nor a statutory code of conduct;
- and that only those lobbying on behalf of third parties should be covered by the Register.

While we support registration of those lobbying on behalf of third parties, we believe that there is no need to register everyone involved in lobbying with a regulator for example employees within representative bodies and charities should remain outside the scope as it is very clear whose interests they represent.

We are pleased that the Government has not proposed universal registration (of those involved in lobbying) since keeping such registration up-to-date, would add a significant financial and administrative burden, not only to relatively small representative organisations such as ourselves, but also to the charity sector. Moreover, requirements to register as lobbyists could deter representative groups from participating in the public policy debate, potentially undermining the normal and beneficial flow of information between government and stakeholders from a whole range of sectors, professions and interest groups.

As a Confederation, we fully subscribe to openness and transparency when dealing with public officials and government. Our website - <http://www.opticalconfederation.org.uk/> - sets out who we are, our core values and what we aim to achieve both as a coalition and as five individual bodies. We also make consultation responses visible on our website once the period of consultation has officially closed. We would argue it is very clear and transparent as

to whose interests we represent and therefore it is appropriate that the proposed register does not extend to us.

While we are clear from the definition and scope of this consultation that the Optical Confederation and its employees fall outside the proposed register, we would still like to respond to the key questions of this consultation exercise, as follows:

Definitions

What definition of lobbying should be used?

We would support a definition along the lines of that in the Australian Lobbying Register, as set out in Annex A of this consultation document.

How should lobbyists be defined?

This could be defined as part of the registration process and/or also made publicly available via the Cabinet Office website.

Scope

Should lobbyists or firms acting on a pro bono basis be required to register?

As above we feel that those lobbying on behalf of third parties should be registered (including for work on a pro bono basis). This would avoid any potential for loopholes or creative funding arrangements that might appear on the surface to be pro bono work.

Should organisations such as Trade Unions, Think Tanks and Charities be required to register?

No. Information on the remit of these bodies already exists in the public domain and therefore this would lead to unnecessary and potentially costly duplication.

How can public participation in the development of Government policy best be safeguarded?

We agree with the Government's concern that the register should not capture or risk deterring a range of activity that is essential to a vibrant democracy including the essential flow of communication between business leaders and Government.

Public participation in the development of Government policy is best safeguarded by ensuring the public have maximum access to consultation exercises by the Government.

Information to be included in the register

Should the register include financial information about the cost of lobbying and about any public funding received?

We agree with the Government that it is more important to know who is lobbying on behalf of whom than to know the cost or fees involved, and therefore this information would not be required on the register. Other financial information can be found from Company House and in each organisation's annual report.

Frequency of returns

Should returns be required on a quarterly basis?

Other registers function effectively with annual re-registration. We feel that annual returns would be appropriate for the proposed register of lobbyists, albeit with requirements to update their details if the name of the lobbying firm or its registered employees changes (with a publicly visible track of such changes). We would be happy to see the names of the lobbying firm's clients updated and published on an annual basis.

Additional functions

Should the register's operator have any additional functions besides accurately reproducing and usefully presenting information provided by the registrants?

No. We are happy with the Government's proposal for a register of activity, not a complete regulator for the industry. We feel that the costs of adding additional functions would outweigh the benefit, and in our experience giving the register's operator an easy route to additional functions will risk creep beyond what has sensibly been proposed by the Cabinet Office.

Funding

Should the lobbying industry meet the costs of the register and any associated functions?

In other industries, for example, healthcare, the cost of registration is borne by registrants. We feel that it is only fair that this model applies to the lobbying industry, which as defined only includes only those who lobby on behalf of third parties.

Sanctions

Should penalties for non-compliance apply? If so, should they be broadly aligned with those for offences under company law?

We agree with the Government that there should be sanctions available for non-compliance, proportionate to the degree of non-compliance, for example a fine for registering late or failure to update information. De-registration should also be available as a sanction, and as in Australia this should prevent a lobbyist from subsequently lobbying of Government representatives.

The register's operator

Who should run the register – a new body or an existing one? What sort of body should it be?

We feel that it would be more appropriate for an independent body to run and operate the register, since Government Departments might on occasion have a conflict of interest. In order to keep down the costs of regulation we would favour adding this function onto an existing independent body for a comparable industry.

As a Confederation, we look forward to continuing to work with government for the benefit of patients and the public's health, as well as to help ensure policy is translated into the practicalities of our sector.

For more information, please contact:
Jenny Gowen, Head of Public Affairs
Optical Confederation
Email: jennygowen@aop.org.uk